IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.3285 OF 1992

Shetkari Sahakari Sangh Ltd
Kolhapur, .. Petitioner

Vs

The Registrar Co-operative Societies
Mah.State and ors. .. Respondents

Mr D.A.Nalawade, for the petitioner.
AGP for R.Nos 1 and 2 Absent.

CORAM : D.B.BHOSALE,J.

DATE : 31st August, 2005.

PC:

1. Heard learned counsel for the petitioner.

2. The petitioner has challenged the directions issued by respondent no.1 to respondent no.2 by letter dated 15.7.1988, which is reflected in letter dated 7.8.1991 of respondent no.2 to the Secretary of the petitioner-society. By this letter, the petitioner was informed that in view of the instructions given by respondent no.1 vide its letter dated 15.7.19991, permission to add the liquidator as a party to the

proceedings against the society which has gone in liquidation, cannot be granted. Mr Nalawade, learned counsel for the petitioner, submits that the petitioner is aggrieved by this letter which was issued by respondent no.2 without giving an opportunity to the petitioner of being heard and showing disregard to the provisions contained in Section 107 of the Maharashtra Cooperative Societies Act, 1960.

3. This matter was placed before the Court on 16.2.2005 when the learned Advocate for the petitioner was orally directed to seek a copy of the letter dated 15.7.1991 issued by respondent no.1 and accordingly Mr Nalawade had written to the learned Addl.Govt.Pleader vide his letter date 16.2.2005. Today when the matter was called out none appeared for the respondents. Mr Nalawade submits that there was no response to the letter written by him. Keeping that in view and considering the submissions made by Mr Nalawade, in my opinion, interest of justice would be met by the following order.

(a) Respondent no.1 to consider and pass appropriate orders on the application dated 9.2.1991 made by the petitioner afresh after giving an opportunity of being

heard to the petitioner and in the light of the provisions contained in section 107 of the Maharashtra Co-operative Societies Act, on merits in accordance with law, as expeditiously as possible and preferably within a period of 12 weeks from the date of receipt of this order.

(b) The petitioner to communicate this order to respondent no.1 within four weeks from today.

(c) The writ petition is, accordingly, disposed of. Rule discharged.

(D.B.BHOSALE, J.)